

Notice of Allowability

Application No.

09/290,251

Applicant(s)

NAGAI ET AL.

Examiner

Art Unit

Nicholas D. Rosen

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief of 4/29/2002, subsequent filings and the Board decision. *and a mtg. 4/29/02 Nicholas D. Rosen*
2. ☒ The allowed claim(s) is/are 1-16 and 24-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 11/26/99.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Claims 1-16 and 24-38 have been examined.

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Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Melvin Kraus on April 18, 2006.

The application has been amended as follows: The Abstract is hereby amended to read as follows:

Assuming that copying is permitted only once in broadcasting or the like, a reproduction apparatus and method is provided for preventing a pirated edition disk which is produced by recording a video and/or audio signal onto a DVD-R disk (capable of recording the signal once), a DVD-RAM disk (rewritable), or the like and thereafter illegally copying the recorded signal to a DVD-RAM, from being reproduced by an ordinary user's player capable of reproducing DVD-ROM, DVD-R and DVD-RAM disks. Furthermore, when reproduction is inhibited, the cause of the reproduction stoppage is reported. When the copying permission information superimposed on the video signal indicates that copying of only one generation was permitted and the disk is judged to be a DVD-ROM, reproduction is inhibited. Thus, reproduction is inhibited from a disk

produced by temporarily recording video of audio data permitted as to copy of one generation onto a DVD-R/RAM and thereafter illegally copying the recorded data to a DVD-ROM.

Allowable Subject Matter

Claims 1 and 24 are allowed.

Claims 2 and 25 are allowed.

Claims 3 and 26 are allowed.

Claims 4 and 27 are allowed.

Claims 5 and 28 are allowed.

Claims 6 and 29 are allowed.

Claims 7 and 30 are allowed.

Claims 8, 9, and 31 are allowed.

Claims 10 and 32 are allowed.

Claims 11 and 33 are allowed.

Claims 14 and 36 are allowed.

Claims 15 and 37 are allowed.

Claims 16 and 38 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Linnartz (U.S. Patent 6,209,092), discloses a reproduction apparatus for reproducing video data and/or audio data from a medium dedicated to reproduction and/or a recordable medium having video data and/or audio data recorded thereon, said

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video data and/or audio data being generated by superimposing information concerning copying permission on a signal of digitized video data and/or a signal of audio data or embedding the information therein (Abstract; see also column 2, line 26, through column 3, line 67), said reproduction apparatus comprising: a reproducing unit which reproduces the information concerning copying permission superimposed on or embedded in the video data and/or audio data (Abstract; column 5, lines 41-54); and a stopping unit which stops reproduction in response to the information reproduced by the reproducing unit indicating that copying once was permitted (column 3, lines 17-67; column 4, line 58, through column 5, line 2; column 6, lines 22-45). Linnartz discloses a determining unit which determines whether the medium to be reproduced is a recordable medium (column 5, lines 54-66; column 7, lines 4-13), but does not expressly disclose determining whether the medium to be reproduced is dedicated to reproduction or to recording. Linnartz discloses a medium mark P which identifies the recording medium as recordable or a professional disk (column 5, lines 54-67; column 6, lines 2-4), but Linnartz only uses the medium mark P to determine whether the disk is an original disk, but not whether the disk is a disk dedicated to reproduction. Linnartz does not disclose or suggest stopping recording based on the medium mark indicating a medium dedicated to reproduction. Doi (U.S. Patent 5,901,125) teaches using reflectance to determine whether a medium is dedicated to reproduction or recording (column 13, lines 46-55), but without sufficient teaching or motivation to combine this feature with the disclosure of Linnartz. Doi teaches adjusting the power and wavelength of a read laser based on the reflectance, but does not teach or suggest stopping

recording based on determining the medium to be a medium dedicated to reproduction, nor does any other prior art of record supply the deficiencies of Linnartz and Doi.

The above has been written with particular reference to claim 1, but the other claims listed are held to be patentable on at least the same grounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 12 and 34 are allowed.

Claims 13 and 35 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Linnartz (U.S. Patent 6,209,092), discloses a reproduction apparatus for reproducing video data and/or audio data from a medium dedicated to reproduction or a recordable medium having video data and/or audio data recorded thereon, said video data and/or audio data being generated by superimposing information concerning copying consent on a signal of digitized video data and/or a signal of audio data (Abstract; see also column 2, line 26, through column 3, line 67), said reproduction apparatus comprising: a reproduction unit for reproducing the information concerning copying consent superimposed on the video data and/or audio data (Abstract; column 5, lines 41-54); and a stopping unit for stopping reproduction provided that the information reproduced by the reproduction unit indicates that copying once was permitted (column

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3, lines 17-67; column 4, line 58, through column 5, line 2; column 6, lines 22-45).

Linnartz does not disclose a wobble detection unit for detecting wobbled grooves existing on a disk, but Yokota et al. (U.S. Patent 5,633,841) teach such a wobble detection unit (column 3, lines 43-55), and Fox ("Wobble Drives Pirates off the Digital Seas") teaches preventing piracy by a system which rejects disks for copying if they lack wobbled grooves (Abstract). However, Yokota's detection of wobbles has nothing to do with stopping reproduction based on the wobble detecting unit not detecting wobbled grooves; whereas in Fox, there is a connection, but with an important distinction, because Fox is concerned with a situation where a disk dedicated to reproduction has wobbled grooves, and recordable disks do not have wobbled grooves, which is the opposite of the situation in claims 12, 13, and their dependents. Furthermore, Linnartz does not use a determination of whether the medium is dedicated to reproduction to allow reproduction, so there is no suggestion to combine the teachings of Fox, Yokota, or others with the teaching of Linnartz to reconstruct the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ichimura et al. (U.S. Patent 6,034,832) disclose a recording medium having digital copy management data recorded therein, and recording apparatus and reproducing apparatus in which reproduction or recording operation is controlled on the basis of the digital copy management data. Linnartz (U.S. Patent 7,000,113) discloses recording information with a watermark related to a prerecorded medium mark on an information carrier.

Oguro et al. (U.S. Patent Application Publication 2001/0033739) disclose an apparatus and method for TV broadcast copy protection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's current acting supervisor, Yogesh Garg, can be reached at 571-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

April 18, 2006